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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

N.Z., R.M., B.L., S.M., and A.L.,  
individually and on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

FENIX INTERNATIONAL LIMITED,  
FENIX INTERNET LLC, BOSS  
BADDIES LLC, MOXY  
MANAGEMENT, UNRULY AGENCY  
LLC (also d/b/a DYSRPT AGENCY),  
BEHAVE AGENCY LLC, A.S.H.  
AGENCY, CONTENT X, INC., VERGE  
AGENCY, INC., AND ELITE  
CREATORS LLC,

Defendants.

Case No. 8:24-cv-01655-FWS-SSC

Judge: Hon. Fred W. Slaughter

**DEFENDANT ELITE  
CREATORS INC.'S REPLY  
TO PLAINTIFFS' RESPONSE  
TO ORDER TO SHOW CAUSE**

Judge: Hon. Fred W. Slaughter

Courtroom: 10D

Date: September 25, 2025

Time: 10:00 a.m.

1 Defendant Elite Creators LLC (“**Defendant**” or “**Elite Creators**”), through  
2 counsel, submits this Reply to Plaintiffs’ Response to Order to Show Cause (“**OSC**  
3 **Response**”).

4 **RELEVANT BACKGROUND**

5 1. On July 17, 2025, Plaintiffs filed their Consolidated Response in  
6 Opposition to the Agency Defendants’ Motion to Dismiss the First Amended  
7 Complaint (the “**Consolidated Opposition**”). (ECF No. 142.) Plaintiffs have since  
8 admitted that AI was used to draft the Consolidated Opposition and that it contained  
9 inaccurate citations to legal authority.

10 2. On August 18, 2025, Elite Creators filed its Reply in Support of Motion  
11 to Dismiss. (ECF No. 169.)

12 3. On August 28, 2025, Plaintiffs filed their Notice of Motion and Motion  
13 for Leave to Withdraw ECF Nos. 138, 141, 142, and 158 and File Corrective Briefs  
14 (the “**Corrective Briefs Motion**”). (ECF No. 176.)

15 4. That same day, Plaintiffs filed their Notice of Motion and Motion for  
16 Continuance of Hearing (the “**Motion for Continuance**”). (ECF No. 178.)

17 5. On September 4, 2025, the Court issued an Order to Show Cause to  
18 Plaintiffs concerning their use of AI-Generated Content in Opposition Briefs. (ECF  
19 No. 187.)

20 6. On September 11, 2025, Plaintiffs filed their Reply in Support of Motion  
21 to File Corrective Briefs (the “**Corrective Briefs Reply**”). (ECF No. 190.)

22 7. On September 18, 2025, Plaintiffs filed their OSC Response. (ECF No.  
23 193.)

24 **ARGUMENT**

25 Plaintiffs minimize the scope of their AI use as well as the magnitude of  
26 prejudice it has caused Defendants. In their OSC Response, Plaintiffs characterize  
27 the errors as unintentional, minor, and confined solely to incorrect citations to case  
28 law. Plaintiffs took this same approach when addressing the improper use of AI-  
generated content in their Corrective Briefs Motion, Corrective Briefs Reply, and  
Motion for Continuance.

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1           Significantly, however, Plaintiffs have ignored in all of their filings to the  
2 Court related to their AI use that their misuse of AI is not just limited to legal  
3 authority citations but also extends to factual content citations credited to their First  
4 Amended Complaint (“FAC”). Elite Creators raised this issue in its Reply in Support  
5 of Motion to Dismiss. (*See* ECF No. 169.) Specifically, Elite Creators argued that  
6 Plaintiffs’ Consolidated Opposition included citations to the FAC that were  
7 fabricated allegations that are simply not found in the FAC. (*See Id.* at 14–18.)  
8 Plaintiffs claim that Plaintiffs’ Counsel “prepared corrective briefs that . . . (3)  
9 removed erroneous record cites or summaries of the record; and (4) performed a full  
10 cite check and corrected any other minor citation errors.” (ECF No. 178 at 10–11.)  
11 But Plaintiffs’ Counsel did not do this. Their proposed corrective briefs continue to  
12 misrepresent the FAC in integral ways. These erroneous AI hallucinations of facts  
13 that are not contained in the FAC were not only obvious, but they were errors that  
14 had already been identified in Elite Creators’ Reply Brief.

15           **I. PLAINTIFFS FAILED TO CORRECT ERRONEOUS FACTS**  
16           **ATTRIBUTED TO THE FAC AND INACCURATE CITATIONS**  
17           **TO CASES EVEN WHEN THEY HAD NOTICE OF THE**  
18           **ERRORS.**

19           **A. Plaintiffs’ Proposed Corrective Briefs Contain Glaring**  
20           **Erroneous Citations to the FAC.**

21           In its Reply in Support of Motion to Dismiss, Elite Creators identified  
22 numerous instances in which Plaintiffs had claimed that the FAC contained  
23 allegations it does not contain. The example that most clearly illustrates this problem  
24 is found on page 22 of Plaintiffs’ Consolidated Opposition—an issue that persists in  
25 the “Proposed Corrective” Consolidated Opposition. (*See* ECF 176-8 at 31.)  
26 Specifically, in support of their claims under the Video Privacy Protection Act  
27 (“VPPA”), Plaintiffs say that according to the FAC, “The agencies managed chat  
28 interactions that prompted video unlocks and upsells, often using preloaded scripts  
and pricing tiers, in ways designed to maximize Fan spending. FAC ¶¶ 222–227.”

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1 But that is *not* what the FAC says in Paragraphs 222 to 227 (or anywhere else for that  
2 matter).

3 Rather, Paragraphs 222 through 227 of the FAC allege (excluding a footnote  
4 citation) the following:

5 **5. Content X**

6 222. Defendant Content X Studios (“Content X”) is a California  
7 corporation registered in September 2020, with its Principal Address at  
8 21800 W Oxnard St #940, Woodland Hills, CA 91367.

9 223. Headquartered in Los Angeles, CA and founded by well-  
10 known American actress and entertainer Bella Thorne and her manager,  
11 Thor Bradwell, Content X has described itself as a “full service  
12 production company.”

13 224. Thorne, herself an OnlyFans Creator, has been reported to  
14 have earned one million dollars in a single day on the platform—which  
15 apparently “crashed the moment Thorne announced her \$102 for six  
16 month subscription.”

17 225. On information and belief, Content X uses marketing—  
18 including taglines for its Creators’ accounts—that emphasize the  
19 personal nature of the interactions that Fans will have on the OnlyFans  
20 platform.

21 226. On information and belief, Content X manages or at some  
22 point managed the accounts of the following Creators, who are  
23 subscribed to by either Plaintiff S.M. and/or Plaintiff B.L.

- 24 a. Bella Thorne (aka @bellathome)  
25 b. Abella Danger (aka @dangershewrote • @abelladangervip)  
26 c. Mathilde Tantot (aka @mathildtanot)  
27 d. Pauline Tantot (aka @popstantot • @popstantotvip)

28 227. On information and belief, as part of its management of  
those and other Creator accounts, Content X provides Chatter services,  
employing Chatters to impersonate the Creator and communicate with

Fans without the Fans’ knowledge.

Paragraphs 222 through 227—which are the only authority Plaintiffs cite for their claim that Agency Defendants acted to deliver video content and were therefore Video Service Providers under the VPPA—do not contain any support for the sentence that cites it, nor are those facts contained anywhere in the FAC. They relate to only one Agency Defendant, Content X, and have nothing to do with the substance of the sentence they are cited in support of. These AI-hallucinated facts and incorrect citations are in both Plaintiffs’ original brief and in their “Proposed Corrective” brief that they say is a result of a process through which Plaintiffs’ Counsel purportedly “removed erroneous record cites or summaries of the record.” (*See* ECF No. 178 at 10–11.)

Worse still, Plaintiffs did not have to conduct a comprehensive check of all citations in their brief to identify this bogus citation and AI hallucination: Elite Creators specifically identified the error in its Reply. (ECF No. 169 at 16–17.) Had Plaintiffs’ Counsel actually reviewed the briefs and conducted the kind of comprehensive review to correct the erroneous record citations they claimed to have done, it is difficult to understand how this inaccuracy persisted in their “corrective” brief. Moreover, had Counsel simply read Elite Creators’ Reply and checked the citations Elite Creators identified as being erroneous, they would have identified this bogus citation and AI factual hallucination. Apparently, Plaintiffs’ Counsel neither read and took seriously Elite Creators’ Reply, nor did they conduct the level of review and “a full cite check” of the corrective briefs they now seek to file.

This fabricated allegation that is not contained in the FAC, is not trivial or minor. Plaintiffs propose to hold the Agency Defendants liable under the VPPA on the basis of the entirely fictional allegation that the Agency Defendants’ “agencies managed chat interactions that prompted video unlocks and upsells, often using preloaded scripts and pricing tiers, in ways designed to maximize Fan spending,” but the FAC does not contain any support for this claim or even state these allegations. (*See* ECF 176-8 at 31.) “Video unlocks,” “pricing tiers,” and “preloaded scripts” are

1 all key to Plaintiffs' claim in their Opposition that the Agency Defendants are liable  
2 under the VPPA, but those concepts are totally absent from the FAC. Erroneous  
3 record citations and erroneous factual assertions are other clear examples of improper  
4 AI hallucinations that plague Plaintiffs' filings.

5 Further, this single example is not the only instance of Plaintiffs fabricating  
6 factual allegations that are otherwise not contained in the FAC. For example, both  
7 Plaintiffs' Opposition and the Proposed Corrective version claim that "that Agency-  
8 employed Chatters accessed Fan inboxes." (ECF 176-8 at 43.) But none of the 22  
9 paragraphs<sup>1</sup> of the FAC that Plaintiffs cite in support of that claim contain any  
10 allegation that the Agencies did, or had any mechanism to, access "fan inboxes."

11 **B. Plaintiffs' Proposed Corrective Opposition Continues to Contain**  
12 **Erroneous Case Citations.**

13 Plaintiffs' failure to correct the errors in their brief is not limited to inaccurate  
14 and misleading citations to the FAC; they also cite cases that do not stand for the  
15 claimed propositions.

16 Again, a particularly glaring example was described at length in Elite Creators'  
17 Reply Brief. (ECF No. 169 at 18–19.) Here is how Plaintiffs cite the relevant case,  
18 *In re Hulu Priv. Litig.*, 86 F. Supp. 3d 1090, 1092 (N.D. Cal. 2015) in both their filed  
19 Opposition and their proposed corrective opposition brief: "Courts have routinely  
20 recognized that entities may qualify as video providers even if they deliver content  
21 through a third party platform. . . . *In re Hulu*, 86 F. Supp. 3d at 1095 (**streaming**  
22 **platform liable under VPPA for disclosures tied to its embedded video player**)."  
(See ECF No. 142 at 29 (emphasis added); see also ECF 176-8 at 31–32 (emphasis  
23 added).)

24 Here are the final two sentences of the *In re Hulu* opinion Plaintiffs cite: "For  
25 this reason, the court grants Hulu's motion for summary judgment. The Second  
26 Amended Complaint (ECF No. 83) is dismissed with prejudice." 86 F. Supp. 3d at  
27 1105.

28 <sup>1</sup> Plaintiffs erroneously cite FAC ¶¶ 111–13, 124–27, 254–56, 267–269, 282–284,  
295–297, 313–315 for this proposition.



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1 Simply put, Plaintiffs’ proposed corrective brief persists in getting the decision  
2 in the *Hulu* case entirely wrong. Plaintiffs’ failure to accurately state even the  
3 outcome, much less the reasoning, of the case appears to be example of Plaintiffs’  
4 failure to correct AI hallucinations that have permeated their recent filings. Plaintiffs’  
5 failure to correct this inaccurate citation is not for lack of notice. Elite Creators  
6 described Plaintiffs’ puzzling mis-citation of the *Hulu* case in the strongest terms in  
its Reply:

7 Plaintiffs’ next citation is both wrong and nonsensical. Plaintiffs  
8 cite *In re Hulu Privacy Litigation*, 86 F. Supp. 3d 1090 (N.D. Cal. 2015)  
9 and describe the holding as follows: “streaming platform liable under  
10 VPPA for disclosures tied to its embedded video player.” (Opp’n at 22.)  
11 That characterization is incorrect in every respect. The cited decision is  
12 an order granting summary judgment in favor of Hulu—the very  
13 “streaming platform” Plaintiffs claim was found liable. Hulu was not  
14 held liable under the VPPA, and Plaintiffs’ description of the case  
15 misstates both the procedural posture and the court’s holding.  
16 (ECF No. 169 at 18.)

17 Again, despite clear and direct notice that Plaintiffs’ description of the outcome  
18 of the case was entirely backward, Plaintiffs failed to identify or correct this citation  
error in their “full cite check.”

19 **C. Plaintiffs’ Claim That Fenix Had Unclean Hands For Failure To**  
20 **Provide Notice Falls Flat in Light of Their Failure to Correct**  
21 **Citation Errors That Were Identified in Elite Creators’ Brief.**

22 Audaciously, Plaintiffs have argued that the “Fenix Defendants have unclean  
23 hands” in the matter of Plaintiffs own erroneous briefing “because they never notified  
24 Plaintiffs that their briefs were defective.” (ECF No. 178 at 3, 8.) But even when Elite  
25 Creators spent the better part of five pages in its Reply identifying erroneous citations  
26 to the FAC (*see* ECF No. 169 at 16–17), and part of two further pages identifying the  
27 errors in Plaintiffs’ citation of the *Hulu* case (*Id.* at 18–19), Plaintiffs made no  
28 corrections to those clear errors.

1 Perhaps Plaintiffs themselves are unaware of the full extent of issues that their  
2 use of artificial intelligence caused to their briefs and only focused on what Fenix  
3 Defendants pointed out to them, ignoring the Agency Defendants' filings unless it  
4 specifically was labeled "AI." Regardless, Plaintiffs only selectively corrected their  
5 bogus citations and factual assertions when they were provided clear and extensive  
6 notice.

7 **II. ELITE CREATORS HAS BEEN PREJUDICED BY PLAINTIFFS'**  
8 **FABRICATED ALLEGATIONS.**

9 Elite Creators has been prejudiced by Plaintiffs' error-filled briefing. The  
10 standard on a defendant's motion to dismiss is incredibly deferential to a plaintiff and  
11 the Court must dismiss the complaint only when Plaintiffs fail to even allege "enough  
12 facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*,  
13 550 U.S. 544, 570 (2007). It is crucial, then, that the Court be accurately informed of  
14 what is in the complaint.

15 In the instances cited above, Plaintiffs made up allegations that the FAC did  
16 not allege and then presented them to the Court. The FAC did not contain any  
17 allegations about "unlock links," "pricing tiers," or "preloaded scripts." Certainly,  
18 the paragraphs of the FAC that Plaintiffs cited did not contain those concepts. But as  
19 Elite Creators explained in footnote 5 of the Reply, a false citation is particularly  
20 pernicious. Paragraphs 222 through 227 of the FAC had nothing to do with what  
21 Plaintiffs claimed they stood for. Had Elite Creators known that artificial intelligence  
22 was the actual source of the claims in the Opposition, it could have swiftly moved on  
23 from that argument. A false citation that might simply have been a typographical  
24 error, on the other hand, requires opposing counsel to review the entire FAC again  
25 hunting for any possible support for what is later revealed to be a fabrication. As  
26 counsel for Elite Creators explained in the footnote in its Reply, this error led to a  
27 laborious process taking more than an hour of the lawyer's time, which Elite Creators  
28 paid for.

Plaintiffs have compounded this prejudice by attempting to file motions  
without meeting and conferring with Elite Creators, by attempting to delay the



1 hearing on Defendants’ Motions, and by filing numerous motions claiming that they  
2 have been forthright and have comprehensively addressed their briefing errors when  
3 they continue to rely on entirely fabricated allegations not contained anywhere in the  
4 FAC—even after sufficient time and notice to make corrections. Plaintiffs’ Counsel  
5 claims to have “removed erroneous record cites or summaries of the record; and (4)  
6 performed a full cite check and corrected any other minor citation errors,” but this  
7 claim is false. The Proposed Corrective Opposition brief related to Elite Creators’  
8 Motion to Dismiss continues to have errors that seem suspiciously like artifacts of  
9 artificial intelligence hallucinations, or perhaps more egregiously simply reflect  
10 indifference on the part of Plaintiffs’ Counsel to confine their arguments to the four  
11 corners of the FAC and the actual content of the cases they cite.

### 12 CONCLUSION

13 For the foregoing reasons, Defendant Elite Creators respectfully requests that  
14 the Court impose strict sanctions against Plaintiffs and their counsel for the improper  
15 and prejudicial misuse of AI-generated content in their filings by dismissing this  
16 action with prejudice and requiring Plaintiffs to pay the legal fees associated with  
17 responding to the AI-generated briefing, as well as subsequent briefing and  
18 attendance at the OSC hearing

19 Dated: September 24, 2025

Respectfully submitted,

DENTONS DURHAM JONES

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22 By: /s/ Michael Gehret

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**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendant Elite Creators, LLC, certifies that this brief contains 2,708 words, which complies with the word limit of C.D. Cal. L.R. 11-6.1.

Dated: September 24, 2025

Respectfully submitted,  
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